P.R. No. 4127/06
Presented by Shri B.N. Mandir
dated 2/8/06

CF-1062

(1) (6)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P.No. 5803 of 2006

PETITIONER: Kheer Sagar S/o Late Jagdeesh Prasad, Sao aged about 31 yrs , Occupation unemployed, R/o Village Aurda Gram Panchayat Aurda, Tehsil & Distt. Raigarh (C.G).

VERSUS

RESPONDENTS: 1.State of Chhattisgarh through Secretary Education, D.K.S Bhavan, Mantralay , Raipur.

2.Collector, Raigarh, Distt. Raigarh C.G).

3. District Education Officer District Raigarh (C.G).

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CLR A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 5803 of 2006

Petitioner: Kheer Sagar

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri K. N. Nande, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Govt. Advocate for the Respondents.

ORDER

(27th October, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The father of the petitioner while working as Assistant Teacher in Government Primary School, Mahua Pali, Block- Pussour, Tehsil and District- Raigarh died in harness on 10.12.1980. According to the petitioner, the age of the petitioner, who is sole heir of late Shri Jagdish Prasad, was five years. The petitioner attained majority at the age of 18 years i.e. in December, 1993. The petitioner had not taken any steps thereafter seeking compassionate appointment.
2. After creation of the State of Chhattisgarh on 1st November, 2000, according to the petitioner, the petitioner made several representations to the respondent/authorities which were not considered. It is well settled principle that a belated petition should not be entertained if the petitioner has failed to explain inordinate delay. During this period the place, if any, which was vacant, might have been filled up and several persons must have settled their rights. It is well settled that the appointment on compassionate ground is not a method of recruitment, but, is a facility to provide for immediate rehabilitation of the family in distress for relieving the dependent family members of the deceased employee from destitution. In other words, the object of compassionate appointment is to enable penurious family to tide over the sudden financial crisis and is not to provide employment. It is also well settled that mere death of the employee does not entitle his family to claim compassionate appointment if the family

members could sustain themselves financially from other sources of income.

3. In **Haryana State Electricity Board and another Vs. Hakim Singh**[1], an employee died in harness leaving behind him a minor son. As per the compassionate appointment scheme, three years' limitation after attaining majority was prescribed. The minor son made an application beyond the stipulated time. The High Court's interpretation of the phrase "three years time for making such request in case of minors" as "in case of minors the period of three years would be applicable from the date he becomes major" was set aside by the Supreme Court on challenge. The Supreme Court held that if the family members of the deceased employee can manage for 14 years after his death, one of his legal heirs cannot put forward a claim as though it is line of succession by virtue of a right of inheritance. The whole object of any compassionate appointment scheme is to give succor to the family to tide over the sudden financial crisis befallen the dependents on account of the untimely demise of its sole earning member.
4. After a period of about 26 years, this petition has been filed on 9.7.2006. The petitioner has not made out any case for condonation of such a long delay in not filing the petition or not moving the competent authority before November, 2000 for grant of compassionate appointment.
5. This petition is devoid of merit. Accordingly the petition is dismissed.

Sd/-
Satish K. Agnihotri
Judge

{ (1997) 8 SCC 85[1]}

Thakur